

PATENT COOPERATION TREATY
PCT

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

(Chapter II of the Patent Cooperation Treaty)

(PCT Article 36 and Rule 70)

REC'D 08 NOV 2005

WIPO

PCT

Applicant's or agent's file reference 12267661/PS/SET	FOR FURTHER ACTION		See Form PCT/IPEA/416
International application No. PCT/AU2004/000942	International filing date (<i>day/month/year</i>) 14 July 2004	Priority date (<i>day/month/year</i>) 17 July 2003	
International Patent Classification (IPC) or national classification and IPC Int. Cl. ⁷ A01K 27/00			
Applicant VASQUEZ COLLARS AND K9 EQUIPMENT PTY LTD et al			

1. This report is the international preliminary examination report, established by this International Preliminary Examining Authority under Article 35 and transmitted to the applicant according to Article 36.
2. This REPORT consists of a total of 5 sheets, including this cover sheet.
3. This report is also accompanied by ANNEXES, comprising:
 - a. ☒ (*sent to the applicant and to the International Bureau*) a total of 2 sheets, as follows:

☒ sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications authorized by this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions).
☐ sheets which supersede earlier sheets, but which this Authority considers contain an amendment that goes beyond the disclosure in the international application as filed, as indicated in item 4 of Box No. I and the Supplemental Box.
 - b. ☐ (*sent to the International Bureau only*) a total of (indicate type and number of electronic carrier(s)) , containing a sequence listing and/or table related thereto, in computer readable form only, as indicated in the Supplemental Box Relating to Sequence Listing (see Section 802 of the Administrative Instructions).
4. This report contains indications relating to the following items:

<input checked="" type="checkbox"/> Box No. I	Basis of the report
<input type="checkbox"/> Box No. II	Priority
<input type="checkbox"/> Box No. III	Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
<input type="checkbox"/> Box No. IV	Lack of unity of invention
<input checked="" type="checkbox"/> Box No. V	Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
<input type="checkbox"/> Box No. VI	Certain documents cited
<input type="checkbox"/> Box No. VII	Certain defects in the international application
<input type="checkbox"/> Box No. VIII	Certain observations on the international application

Date of submission of the demand 21 January 2005	Date of completion of the report 28 October 2005
Name and mailing address of the IPEA/AU AUSTRALIAN PATENT OFFICE PO BOX 200, WODEN ACT 2606, AUSTRALIA E-mail address: pct@ipaaustralia.gov.au Facsimile No. (02) 6285 3929	Authorized Officer C.K. WONG Telephone No. (02) 6283 2352

Box No. I **Basis of the report**

1. With regard to the language, this report is based on the international application in the language in which it was filed, unless otherwise indicated under this item.
- ☐ This report is based on translations from the original language into the following language which is the language of a translation furnished for the purposes of:
- ☐ international search (under Rules 12.3 and 23.1 (b))
- ☐ publication of the international application (under Rule 12.4)
- ☐ international preliminary examination (under Rules 55.2 and/or 55.3)
2. With regard to the elements of the international application, this report is based on (*replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report*):
- ☐ the international application as originally filed/furnished
- ☒ the description:
- pages 1-9 as originally filed/furnished
- pages* received by this Authority on with the letter of
- pages* received by this Authority on with the letter of
- ☒ the claims:
- pages 10 as originally filed/furnished
- pages* 13, 14 as amended (together with any statement) under Article 19
- pages* received by this Authority on with the letter of
- pages* received by this Authority on with the letter of
- ☒ the drawings:
- pages 1, 2 as originally filed/furnished
- pages* received by this Authority on with the letter of
- pages* received by this Authority on with the letter of
- ☐ a sequence listing and/or any related table(s) - see Supplemental Box Relating to Sequence Listing.
3. ☒ The amendments have resulted in the cancellation of:
- ☐ the description, pages
- ☒ the claims, pages 11, 12 (replaced by pages 13, 14)
- ☐ the drawings, sheets/figs
- ☐ the sequence listing (*specify*):
- ☐ any table(s) related to the sequence listing (*specify*):
4. ☐ This report has been established as if (some of) the amendments annexed to this report and listed below had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).
- ☐ the description, pages
- ☐ the claims, Nos.
- ☐ the drawings, sheets/figs
- ☐ the sequence listing (*specify*):
- ☐ any table(s) related to the sequence listing (*specify*):

* If item 4 applies, some or all of those sheets may be marked "superseded."

Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement**1. Statement**

Novelty (N)	Claims 11	YES
	Claims 1-10, 12-23	NO
Inventive step (IS)	Claims	YES
	Claims 1-23	NO
Industrial applicability (IA)	Claims 1-23	YES
	Claims	NO

2. Citations and explanations (Rule 70.7)

- (a) US 6308663 B1 (PHILEN et al)
- (b) US 4811695 A (HIGGINS)
- (c) US 3995598 A (GARDNER et al)

NOVELTY (N) Claims 1-10, 12-23**Claims 1-4:**

Each of citations (a) and (b) discloses the features of these claims.

For example, in US 6308663 B1, see:

- Restraint item 10 in figure 2
- Belt item 12 in figure 2
- First belt end item 14 in figure 2
- Second belt end item 16 in figure 2
- Aperture at first belt end item 32 in figure 2
- Elongate linker item 18 in figure 2
- Stopper item 36 in figure 2

The physical features disclosed in the citations are the same as those defined in these claims. As a consequence, there is no special technical feature that distinguishes the claimed invention from those disclosed in each of the citations.

The limitation defined by "the minimum girth position being substantially similar to that of the girth of the animal such that there is an absence of a choking of the animal's girth" only places limitation on the type and/or size of the animal the restraint is to be used on but places no limitation on the lengths of the belt and/or the elongate linker.

In addition, it is the features and not what it is called that define an invention. Even though citation (a) calls the invention "animal walking and training collar" and citation (b) calls it "training or choke collar", either one of them however defines the same physical features as those defined in claims 1-4 of the present application.

Supplemental Box

In case the space in any of the preceding boxes is not sufficient.

Continuation of: V

Claims 5-8:

Citation (a) discloses the features of these claims.

- Chain item 18 in figure 2 and claim 8

Claims 9-10:

Citation (a) discloses the features of these claims.

- Placement buckle item 42 in figure 1, column 3 lines 30-33

Claim 12:

Each of citations (a) and (b) discloses the feature of this claim.

For example, in citation (a), US 6308663 B1, see:

- Stopper engageable with tether column 4 lines 65-66

Claims 13-14:

The difference between the invention defined in these claims and the disclosure of either citation (a) or (b) resides in the stopper being continuous with the tether. This difference however does not materially affect the way the claimed invention works and thus is not in respect of an essential feature of the invention. Therefore either one of the citations discloses all the essential features of the invention.

Claims 15, 17-19, 21:

Each of citations (a) and (b) discloses the features of these claims.

For example, in citation (a), US 6308663 B1, see:

- D-ring aperture column 3 line 2 and claim 5
- Annular stopper item 36 in figure 2 and claim 6

Claims 16, 20:

- O-ring aperture column 3 lines 2-4

Claim 22:

Citation (b) discloses the feature of this claim.

- Leather belt column 3 lines 36-38

Claim 23:

Citation (a) discloses the feature of this claim.

- Webbed belt material column 3 lines 39-43 and claim 7

Supplemental Box

In case the space in any of the preceding boxes is not sufficient.

Continuation of: V

INVENTIVE STEP (IS) Claims 1-23

Claims 1-10, 12-23: as above

Claim 11:

Each of citations (a) and (b), when combined with well-known belt length adjustment device wherein at at least one belt end, the belt doubled at the belt end for passing through the belt length adjustment device thereby lengthening or shortening the length of the belt , for example in back-packs, brassieres etc, as would be obvious to a person skilled in the art, discloses the features of this claim.

In addition, when citation (b) is combined with citation (c), as would be obvious to a person skilled in the art, discloses the features of claims 5-8.

AMENDED CLAIMS

[(received by the International Bureau on 14 September 2004 (14.09.04);
original claims 10-11, 22-23 replaced by amended claims 10-11, 22-23;
remaining claims unchanged (2 pages)]

9. The restraint according to any of claims 1 to 8, wherein the restraint further includes a placement device to facilitate location and/or adjustment of the restraint about the girth of the animal.
- 5 10. The restraint according to claim 9 wherein the placement device is a buckle, the buckle having a buckle tongue, the belt including one or more holes for receiving the buckle tongue.
- 10 11. The restraint according to any one of claims 1 to 10, wherein the restraint further includes a belt length-adjustment device, wherein at least one of the belt ends, the belt being doubled at the belt end for passing through the belt length-adjustment device, thereby lengthening or shortening the girth of the restraint.
- 15 12. The restraint of any of the preceding claims, wherein the stopper of the restraint is suitable for engagement with a tether.
13. The restraint according to any of the preceding claims, wherein the stopper of the restraint is permanently attached to a tether.
- 20 14. The restraint according to claim 13, wherein the permanent attachment of the tether is by way of being continuous with the tether.
15. The restraint according to any of the preceding claims, wherein the aperture of the restraint is in the form of a ring.
- 25 16. The restraint according to claim 15, wherein the ring is an O-ring.
17. The restraint according to claim 15, wherein the ring is a D-ring.

18. The restraint according to any of the preceding claims, wherein the restraint further includes a second belt-end ring on the second belt end, the second belt-end ring for engaging the first end of the elongate portion of the linker.
- 5 19. The restraint according to claim 18, wherein the second belt-end ring is a D-ring.
20. The restraint according to claim 19, wherein the second belt-end ring is an O-ring.
21. The restraint according to any of the preceding claims, wherein the stopper of the
10 restraint is substantially annular.
22. The restraint according to any of the preceding claims, wherein the belt is leather.
23. The restraint according to any of the preceding claims, wherein the belt is formed
15 from a webbed material.